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ABSTRACT

Student rights encompass all specific rights which the courts recognize as being vested in students. These may be derived from applicable Federal, State, and/or local laws, including school regulations. On June 22, 1973, an ad hoc committee (50 percent American Indian) was convened in Albuquerque, New Mexico to review a special report form prepared for evaluating Indian student rights and responsibilities. The committee was concerned with the organization of these codes and their compliance with local, State, and Federal legal and technical requirements. The form was distributed to 33 Bureau of Indian Affairs (BIA) secondary schools and dormitories, 20 of which responded. This paper discusses the philosophical extent of student rights and the past and present status of rights and responsibilities in BIA and non-BIA schools. Some findings are: almost all schools have some type of written handbook or guide; 3/4 have some type of grievance procedure; and all but three apply the Interim Procedure for student expulsions. The appendixes, which comprise the bulk of the document, give: references to BIA school management policies and disciplinary procedures; the constitution for BIA high schools operated within the Navajo area; the report form sent to the schools; a roster of the schools; information relative to the Phoenix Meeting on Student Rights and Responsibilities; and a bibliography of reports related to Indian student rights prepared within the past three years. (NQ)

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RESEARCH AND EVALUATION REPORT SERIES NO. 25

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EVALUATION OF
STUDENT RIGHTS AND RESPONSIBILITIES PROGRAM

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IN REPLY REFER TO:
Evaluation and Program Review

August 3, 1973

Memorandum

To: Acting Director, Office of Indian Education Programs
Chief, Division of Evaluation and Program Review

From: Evaluator and Chairman of Special ad hoc Committee

Subject: Evaluation of Student Rights and Responsibilities (SRR) Program

The attached report on the status of Student Rights and Responsibilities Program (SRR) as requested by the Director's June 20 memorandum is submitted herewith. It seeks to review all of the objectives written in said memorandum and described additionally in my July note to your request for immediate action. (Item 6, June 20 memorandum).

Although this analysis is brief in terms of the extensive work done by experts in the field, we believe it accurately portrays the wide range of activities relevant to Student Rights and Responsibilities in most secondary school systems. The substantial return of SRR Report Forms and other supportive data both from Bureau and non-Bureau schools in such a short period of time, during summer recess is certainly indicative of the priority value placed on these issues by responding school personnel.

I would like to commend those individuals who rose to the occasion swiftly to expedite this evaluation, particularly the members of the ad hoc committee proposed in my July memorandum. They acted purely out of their own personal dedication to the cause of Indian Student Rights and Responsibilities.

Special commendation should also be given to Mr. Ted Craver, Member of the Executive Board School Principals Association of Massachusetts, a State which has been in the forefront in the development of Student Rights programs. Neither Mr. Craver nor ad hoc committee members requested nor received remuneration for their participation in this project.

Henry H. Rosenbluth

Attachment

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cc: Dr. Richard Keating, Chief, Division of School Operations Coordination
Mr. Robert Hall, Chief, Division of Student Services
Mr. Warren I. Tiffany, Deputy Administrator, IERC

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INTRODUCTION

Pursuant to the Director's request, an ad hoc committee with 50 percent Indian membership was convened in Albuquerque on June 22. All had been active in the area of student rights and responsibilities, and had much to offer from a positive and educational orientation. An evaluation design was prepared for their review and presented to the Director for approval and implementation at the earliest possible time. The resultant report remains close to the objectives stated at the initial explanation from Washington, but is cautious not to have the final word in a still developing nationwide concern with student rights and responsibilities. It does, however, provide a current reading of the Bureau's involvement. Those schools and dormitories that responded to the request for such information in the SRR Report Form and supplied us with backup materials revealed that considerable work has been accomplished locally. Hopefully, it reflects a trend that other Bureau schools are following. What does concern the committee is the organizational climate under which and whether or not they comply with local, State and Federal legal and technical requirements.

Student Rights and Responsibilities for many school personnel still remains an enigma. Its importance as a learning device in a democracy perhaps has always been taken for granted. In order to place these concepts in proper perspective as well as prepare a framework within which the evaluation report may be approached, the beginning portion has been devoted to a philosophical review. These are meant to clarify value positions held on rights and responsibilities with respect to school age children, particularly on the secondary and post secondary levels.

Kathy E. Rosenbluth

FOREWORD TO THE SECTION ON STUDENT RIGHTS

In the strict sense of the term, "student rights" may be defined as encompassing all of those specific rights which our courts recognize as being vested in students. The source of these rights may be derived from applicable federal, state and/or local laws including regulations of the school. In recent years courts have been more liberal in extending many of our constitutional guarantees contained in our bill of rights, to students; particularly first amendment rights (speech, press, assembly, etc.). Courts have also been inclined to extend fourteenth amendment rights (due process) to students being expelled or suspended from school. These so called court extended rights, have not always appeared consistant when weighed against such factors as the age of the student, type of educational institution and the difference in each factual situation that arises. Nonetheless, a student right is not really a "right" in the legal sense, unless upheld by an appropriate court. Today, more than ever before, our courts are being called upon to more adequately define the true nature and extent of student rights. The term "student rights" may also be used or defined in the philosophical sense. In the discussion of student rights to follow, Dr. Rosenbluth is concerned with the philosophical extent of student rights, and he recognizes that in some instances such rights have not as yet been fully recognized by our courts.

Barry K. Berkson

Charles W. Blackwell

STUDENT RIGHTS: IN PERSPECTIVE

What do we mean when we discuss student rights? First of all, this requires some type of definition. Students, we will consider to be any person from the age of five or so to whatever age who is for five or more hours a day involved in receiving instruction in a school. Rights, we will define as those treatments by others that he has reason to expect by virtue of his innate humanness and his special position as a learner of society's knowledge rather than a bearer or transmitter, though he is always both. Further, it is important to know from whom he has the reason to expect these treatments: who gives him his rights. We will define these right-givers to be (A) the whole society of humankind, (B) the government of the nation or subdivision of it, and (C) the subsociety of people in charge of schools.

It follows from these definitions that the above categories will not necessarily be the same. Under (A) and (B) students will essentially have the same rights as those our nation holds to be the rights of human beings in our particular form of society. Rights (C) will be specifically those related to school. We will mainly discuss rights (C), although at times the former categories must be implicit.

RIGHTS IN SCHOOL:

The first and most important right and one least often discussed is the right to receive instruction in the cultural knowledge of the society. We do not often speak of this because nobody knows for sure what we mean by it. Yet, clearly it is the basic right for

which education is devised. In the case of Indian students, we also recognize the right of cultural identity within the total society. People in earlier times did not need schools because the entire culture was a school, and its survival depended upon whether the children of the culture received the appropriate instruction in time to take up their socially needed roles. Schools developed when society became so complex that there were choices of roles. When it was not necessary that everyone learn certain things, then different people could be taught different things.

In relation to modern times, the right involved here then is the right of informed choice. It might be stated:

(1) The student has the right to make an informed choice, when he reaches the age of ability to comprehend such a choice, as to what learning he will obtain. For this choice to be even relatively free, he has the right to be supplied with an array of possibilities and possible outcomes of his choice. All of this can only be approximate, since the many variables of intellectual endowment, emotional makeup, and social experience mean that no certain prediction can be made for anyone.

From a practical point of view, Right (1) should be met as far as possible by efforts of the school in supplying career information, career choice courses, and career sampling experiences. Otherwise, the student is effectively deprived of his right to choice among the societal possibilities. Psychological information should be used to determine the age at which this right should be made effective. It will differ for different students, but in general should correspond closely with the onset of

puberty (physical adulthood) which means at about the 7th or 8th grade.

(2) As a concomitant to the right of choice, the student should have the right to informed counseling to assist him in his choice. This means that counselors should have full information and knowledge of the requirements of various choices, the needs both intellectual and economic for making any choice, in their own or other social settings, and effective ways to advise students. Emphasis should be placed on objective and realistic advice.

At present, students are rarely offered the right of real choice; they are presented with a largely fixed body of learning that we can no longer prove is necessary for most activities of the society. Choice is deferred until many years have been lost, and the student is ready for marriage and adult functioning in the society without ever having made a conscious learning decision. Those who believe that there is a fixed body of learning that is valid for all, no matter what their future life choice are to be, should prove it, for almost all evidence points in the other direction. Most of us do not use Algebra, Geometry, Literature, Grammar, Latin or even Typing to any significant extent in our lives.

(3) After the right of informed choice, the student should have the right to pursue his chosen field as freely as the resources of his school allow. This means that teachers and administrators should be enjoined from putting up unnecessary or indefensible

boundaries to learning. At times, economic and intellectual constraints must operate--there are some activities that the school cannot afford to provide, and some teachers who do not know enough to help a student in some areas. Nevertheless, within the bounds of possibility, no student should be hindered from learning whatever he wants to learn of his chosen subject. Censorship of reading material or of the social or scientific theories to be investigated should not occur. The student will not learn to function freely in an intellectual area unless is allowed to do so. As a concomitant to this right to pursue knowledge freely, schools should provide individual programs where possible and requested by students. Students should be encouraged to seek such programs, and advised of the possibilities.

(4) The fourth basic right of students should be the <u>right not to be forced into the straitjacket of course and credit hours requirements set up by some larger institution</u>, such as the state, if these requirements prevent him from following his learning goal effectively. More specifically, the student should not be prevented from graduating because he did not "take" the right courses. Such accreditation requirements are designed for some perhaps non-existing "general" or average situation; if it does not apply in a specific case, then it should be the duty of the school to arrange to enable the student to make substitutions. These should be worked out in conference with the student and whatever authorities are involved, and the school should take the responsibility to do

thiv to the students' satisfaction. Only in cases in which the students' wishes can be shown to be indefensible in terms of his life choices, can the school be justified in forcing a course of study upon a student because of accreditation or other superimposed requirements. The burden of proof should be on the school.

If the evidence were strong, that certain courses are actually required for all successful lives, then requiring them of all students could be defended. In fact, there is no such evidence.

A fifth basic student right, to a large degree implied in all the others, is the right to have available well educated, well intentioned, well motivated instructors who will offer him all the assistance he needs in learning what he wants and needs to know. This right perhaps underlies all other rights of students, yet it is the most difficult to measure attainment of, and can usually be expressed only as a hope. The right to "good" teachers is as basic as the right to life, liberty, and the pursuit of happiness, and as difficult to guarantee.

RESPONSIBILITIES OF HIGH SCHOOL STUDENTS

In the Universal Declaration of Human Rights, proclaimed by the United Nations General Assembly on December 6, 1948, the following statements of rights and responsibilities were made:

ARTICLE 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

ARTICLE 12: No one shall be subjected to arbitrary interference with

his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

ARTICLE 26: Everyone has the right to education . . . . Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms, it shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

ARTICLE 29: Everyone has duties to the community in which along the free and full development of his personality is possible. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

This declaration of human rights implies responsibilities that are the inevitable concomitant of rights. If students as members of the class of "all human beings" deserve the protection of the rights mentioned in the declaration, they must also accept the responsibilities.

(1) The student, in taking advantage of the right to education, must regard the job of obtaining that education as one of his duties to the community. It is the <u>student's responsibility to attend all of his classes regularly, except when prevented by illness or unavoidable emergencies</u>.

The student who does not attend classes is failing in his duty to the community and also interfering with the rights of other

students, whose education may be hindered by the disruption of the teacher's educational plans that too many student absences may cause. The non-attending student also interferes with the right of his teachers to carry out their duties to the community.

(2) The student's right to education, in combination with his right to a fair and public hearing in the determination of his rights and obligations, imply a responsibility to follow recognized rules, through recognized channels, in any case in which he feels that his rights are being jeopardized.

Any other method of seeking changes in the educational situation, or redress for grievances, is a violation of the rights of teachers and the school administration. "The just requirements of . . . public order" require that the student, just as any citizen, must inform himself of the proper methods and channels for complaints, and make use of them.

(3) Respect for the rights of teachers and other students carries with it the responsibility to adhere to the requirements of morality. It is the duty of the student to refrain from breaking the law, as in the use of drugs and alcohol, stealing and vandalism.

Just as the student has the right to be protected from bodily harm inflicted by teachers or other adults, and from unreasonable search, so he has the responsibility to refrain from inflicting bodily harm on other students or adults, and to respect the privacy of their property and correspondence.

H H R

(4) The most basic human characteristics, those of reason and conscience, carry with them the responsibility to act towards all members of the community in the spirit of brotherhood.

(5) A school, and particularly a residential school, is a community in miniature. It is the responsibility of the student to respond to community needs, and obey community rules with regard to environmental cleanliness and order, and proper use of community property. The student is responsible for making up school work missed by such absence, so that he does not interfere with the activities of his classes.

(6) If for any reason, a parent wishes to temporarily or permanently withdraw his child from school attendance, he should notify the appropriate school authorities.

(7) Parents share with students the responsibility to make use of proper channels in seeking changes in the educational situation of their children.

(8) Parents' moral responsibilities for their children's behavior are not suspended when a student enters a boarding school. It is the responsibility of parents to maintain control of their child's behavior to the maximum of their ability, rather than to assume that the school will take it over.

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DATA GATHERING PROCEDURES

The ad hoc committee representing various organizations working in the field of Indian Student Rights and Responsibilities met in Albuquerque as a committee of the whole twice and in smaller groups on other occasions. Its members reflected both Bureau and non-Bureau viewpoints. Strong emphasis in its deliberations was given to the legal and technical aspects of the problem as well as its moral and ethical aspects. Additionally, the chairman met with others in Washington, D.C., (Bureau and non-Bureau personnel) and in Longmeadow, Massachusetts (non-Bureau school administrators), to gather sufficient data to complete the assignment.

A wide range of literature concerning Rights, Responsibilities, Due Process and Grievance Procedures was reviewed, including most of the landmark court decisions which have been handed down in Student Rights and Responsibilities cases during the past decade.

National professional organizations were contacted regarding their involvement and accomplishments in these matters. In Washington, D.C., personal contacts were made with attorneys and officials of the National Association of Secondary School Principals who have had recent experience with these matters.

During the planning period, a special report form was prepared, reviewed by the ad hoc committee, approved by the Director of Education and distributed to a select sample of Bureau secondary schools and dormitories. The final response date was set for July 27th. Reports submitted subsequent to that date were also included in this analysis.

Upon the advice of the National Association of Secondary School Principals, requests were also made to exemplary non-Bureau systems for their handbooks, codes, guides, etc., on Student Rights and Responsibilities programs.

The final report drafted by the Chairman was presented to the ad hoc committee for review and modification on August 3rd, then submitted as requested.

CENTRAL OFFICE INVOLVEMENT

To date, there has been minimal involvement of the Central Office in assisting either the Area Offices or individual schools and dormitories in preparing guidelines in the wide range of Student Rights and Responsibilities matters. The Interim Procedure issued on February 1, 1972, by the Commissioner of Indian Affairs was a response to a crisis at the time and dealt primarily with an expulsion policy. As noted in the next-to-last paragraph of this document, former Commissioner Louis Bruce stated, "It is my intent that this be an interim procedure pending the development of comprehensive guidelines for handling all disciplinary actions." Although the Bureau did move immediately to implement this recommendation, guidelines covering the total spectrum of Rights and Responsibilities have not been formulated on a national level but have grown locally as the situation warranted.

A conference was held on Student Rights in Phoenix, Arizona on January 31, 1973, and February 1, 1973. The conference was sponsored

by the Bureau of Indian Affairs and all BIA Boarding School Superintendents as well as other interested parties were in attendance. Agreement was reached at the Conference that due process procedures for handling disciplinary matters in Bureau schools would be developed that would be uniform and made mandatory for each school, while a Student Rights Code would be established by each school independently. (Refer to Appendix M, April 9 letter from David Barnes, Assistant Solicitor, Division of Indian Affairs to Department of Justice.)

Twenty of the 33 schools and dormitories responding to the Report Form by July 27th are evenly divided about Central Office participation. Exactly 50 percent of this group indicate that they are in a better position than Central Office to judge local conditions and thereby design their own programs. There is also some evidence that a considerable number of Bureau school administrators and staff members deem a national or Central Office approach as an unnecessary infringement upon their rights and perogatives to manage their schools. However, considering the size of the system both in enrollment and geography, it would be fair to speculate that many schools have not given this matter sufficient attention for one reason or another.

Although opinions here are conflicting, members of the ad hoc committee and other interested personnel working on Student Rights subscribe to some type of coordinating role, whether it be from Washington or from the Area Offices. Guidelines should be prepared not only in Rights and Responsibilities but also for due process and grievance procedures. The legal implications are overwhelming for the

Bureau since it has installations in many states, operates boarding schools, is subject to special national legislation and serves a unique student body. Few individual schools are equipped to comprehend all of the possible problems in these matters. It is clear that unless uniform policies are prepared on a sound legal base, by which local programs may be structured, the system will be continually beset by legal actions growing more out of a weak policy or ignorance of law than actual harmful intent of school personnel.

There is also some concern about the cost of maintaining viable Student Rights and Responsibilities programs in the field. Funds must be diverted from budget sources to deal with hearing procedures, transportation of parents and students, legal fees, etc., as well as the extensive use of staff time involved. Funds should be channeled to the Areas and administered there specifically for this purpose so that school administrators will not be financially pressed to carry out a just program with integrity and good faith. The total cost to the operating budget for this purpose should be analyzed carefully in terms of needs specified by the Areas.

PROGRESS IN THE PAST DECADE

A. The Bureau System

The Indian Affairs Manual (IAM) has always included sections concerning disciplinary procedures for students. It did not, however, consider Student Rights and Responsibilities with regard to subsequent court decisions. It more or less protected students from abuse and established a code of behavior. In the past, Bureau, as well as non-Bureau schools acknowledged privileges that students earned rather than certain inalienable rights they possessed to obtain a good education. School administrators typically operated under this concept.

During the past several years, the change in Bureau schools has been dramatic in Student Rights and Responsibilities but not comparable to non-Bureau schools. Individual Bureau schools have begun to codify their own Rights and Responsibilities programs with the participation of all concerned: staff, students and parents, and in less frequent cases, Indian schoolboards. The problem here once again is not the good intentions of the people involved but more often the lack of legal understanding in preparing the codes.

In some cases, the pendulum has swung the other way and the matter of Student Responsibilities and faculty rights required greater attention. This issue requires clarification as well for a proper balance in the school.

The divergent approaches have grown geometrically and undoubtedly now is the moment for consolidation so that uniform guidelines may be prepared within which local programs could be developed and operated successfully in a sound legal context.

3. Non-Bureau Schools:

Since most of the major, original court cases concerned public schools (day, not boarding), the non-Bureau programs had a head start. Matters of due process and grievance procedures have led to workable codes in most local communities. States like New York and New Jersey, several years ago provided guidelines which set firm policies yet are sufficiently flexible to permit local differences to be considered. Public school districts, however, are notoriously jealous of their control and in many cases throughout the nation, their quest for autonomy has resulted in direct conflict both with their respective State Codes and the Federal constitution. Many cases are still pending in the courts with regard to dress codes, suspensions, expulsions, etc., which most people felt were resolved by certain high court decisions. Despite these problems, the movement toward a balanced Student Rights and Responsibilities program is the ideal most school personnel are seeking.

Status of Bureau Programs:

There is a considerable amount of variation on the total amount of progress throughout the system. In the schools and dormitories reporting, some progress has obviously been made. Some of these respondees have enclosed guides or booklets which outline rules of procedures regarding the behavior and management of students. There

is a concerted effort, we believe, to maintain the real intent of the law. Whether or not all school administrators truly follow the present procedures, including the February 1 Interim Procedures, cannot be determined at this point. A closer monitoring process by the Area Office and an occasional audit by the Central Office might be beneficial in this matter not so much to flush out violators as to assist some individuals who lack sophistication in this rather complex legal process. Certainly, if the top Bureau and Interior officials are subject to suit for violations of student rights it seems appropriate that some observation is required on a national basis.

Although the SRR Report Form was meant for individual schools, Area Office involvement was not reported specifically. Presumably, staff personnel at the Area Offices have been instrumental in assisting their schools in probing the matter and providing guidance. This has been true in the Navajo Area Office which has worked closely with the Field Solicitor in developing an Area-wide constitution covering high school students.

STATUS OF CURRENT BUREAU PROGRAM

STUDENT RIGHTS AND RESPONSIBILITIES REPORT FORM INTERPRETIVE DATA

The following data has been interpreted statistically, without school identification as specified in the SRR Report Form. Although names of schools reporting have not been added here (See Appendix E), comments regarding the significance of certain data has been added for emphasis. Size of school or dormitory has not been a factor in the interpretation but could be significant. The items or comments are listed 1-20 as shown in the questionnaire. Twenty of the thirty-three schools and dormitories returned completed Forms (a copy of the SRR Report Form follows directly after the final commentary).

1. Approximately half (50 percent) of the schools reporting do not have a Student Bill of Rights although one is in the process of developing a code. Schools reporting a Student Bill of Rights involved various groups in its preparation.

   In only one instance was the Indian school board involved in the actual planning although a few reviewed the documents in detail.

2. Three-fourths of the schools have some type of grievance procedure.

3. There are almost as many different procedures as the number reporting.

4. Almost all the schools have some type of written handbook or guide which explains Student Rights and Responsibilities.

5. All the schools report that they use various means to communicate Student Rights and Responsibilities to students. At least half (50 percent) of those reporting include this as part of the instructional program.

6. Student Councils or Student Organizations appear to be the

means by which on-campus Student Rights and Responsibilities matters are most often conducted.

7. All schools report a very active participation of staff in those matters.

8. Sixteen of the schools report that school boards and/or Tribal Councils have been involved to some extent in their Student Rights and Responsibilities programs.

9. In two schools money has been allocated for the specific purpose of implementing Student Rights and Responsibilities programs. Three consider money (or lack of it) problems in this matter.

10. All but three schools apply the Interim Procedure. One report noted "We use it as our guide." Some apply variations to the Procedure.

11. One school reported that 172 review board hearings had taken place under the Procedure. Eight reported no need for its use.

12. In most cases when applied, the Interim Procedure was employed shortly after its issuance by the Commissioner.

13. Seventy-one students withdrew from three schools when faced with disciplinary actions, while approximately 110 students were expelled from six schools by Interim Procedure action. In one case 70 students were expelled as a result of other procedures.

14. All but two schools are acquainted with Indian Affairs Manual (IAM) policies on student behavior, etc.

15. All but one school reported some type of parental involvement in the Student Rights and Responsibilities programs.

16. Strengths of specific programs tend to be as follows: (several examples)

"Complaints and discipline problems are worked out fairly."

"Gave the staff proper procedures to follow."

"The program will emphasize re-education, re-adjustment, and corrective measures while using the more obvious punitive aspects only as a last resort."

17. Two significant weaknesses (problems) reported:

"Added more office and paper work using staff that would ordinarily be used in working directly with students."

"An individual approach to find an honest solution to a problem takes a tremendous amount of time on the part of those involved."

18. The greatest need expressed by most schools is assistance by the Solicitor and legal advice in implementing their programs.

19. As indicated in the text of the Evaluation Report, about half (50 percent) of the schools reporting do not find Central Office assistance adequate.

20. Many of those reporting acknowledge the need to develop programs on a local basis, however, they do express a need for some standards or guidelines which would strengthen their efforts both from a legal and moral standpoint.

STUDENT RIGHTS AND RESPONSIBILITIES REPORT FORM

Area Office _____

School _____ Boarding___ Day____

Name and title of person filling out questionnaire _____

_____ Date:_____

Please answer each question as fully as possible. If more space is needed for a response, attach additional sheet and refer to relevant item by its number. Information supplied here will be kept confidential and only used in a statistical manner.

1. Does your school have a Student Bill of Rights? Yes___ No___

   If yes, who prepared it? _____ Please attach a copy.

   How prepared and formulated? _____

2. Does your school have a grievance procedure permitting parents and students to register complaints? Yes_____ No_____

3. What procedure is employed by your school in handling student rights and responsibilities? _____

4. Does the school have a written guide or handbook that includes information regarding student rights and responsibilities? Yes_____ No___

   If yes, please attach a copy.

5. Are there other ways that a Student Rights and Responsibilities program is communicated to students? Yes _____ No _____
   If yes, please describe them. _____

6. What student organizations on campus have been active in relationship to matters of Student Rights and Responsibilities? _____

7. How many staff members are participating actively in matters of Student Rights and Responsibilities? _____

   Describe the nature of their participation: _____

8. Have either the School Board or tribal representatives been involved in the development and/or implementation of the Student Rights and Responsibilities program? Yes_____ No _____
   If either yes or no, briefly describe the extent of their involvement:

9. Is there money budgeted or allocated for the Student Rights and Responsibilities program? Yes_____ No _____
   Does the problem of money seem to you to be important in this matter? Yes__ No__

10. Is your school applying the Interim Procedure which was released in 1972 by the Commissioner of Indian Affairs? Yes_____ No_____
    If yes, describe how: _____

    If no, reasons: _____

11. How many students have taken advantage of the Interim Procedure? _____
    Other procedures? _____

12. What was the first date the Interim Procedure was used in your school?_____
    The last date? _____

13. How many students have voluntarily withdrawn from school when faced with formal disciplinary action since your Student Rights and Responsibilities program has been operative? _____
    How many students have been expelled as a result of the Interim Procedure?_____
    How many have been expelled as a result of other procedures? _____

14. Is the school aware of the IAM regulations with regard to student rights and respnsibilities? Yes_____ No_____

    Have these been used? Yes_____ No_____ If yes, describe manner in which

the IAM regulations were used:_____

15. Is there parental involvement in the Student Rights and Responsibilities program? Yes___ No_____
Describe the extent of parental involvement:_____

16. What do you consider the strengths of your Student Rights and Responsibilities program?_____

What are its weaknesses?_____

17. How many formal hearings in 1972-73 were scheduled on your campus specifically related to student rights and responsibilities? _____

18. What help do you need in implementing procedures for Student Rights and Responsibilities programs?_____

19. What has been the role of the Central Office regarding your program in Student Rights and Responsibilities?_____

Has it been adequate? Yes_____ No _____

20. Please add any comments, suggestions, criticisms, or other pertinent material that you wish to contribute to the efforts of the teach charged with developing the Bureau's Student Rights and Responsibilities Program.

Progress Nationwide:

As noted previously, the nation's public schools were drawn into the Student Rights and Responsibilities arena very early in the 60's. In most instances, parents of public school children initiated the various court actions. Initiation of legal action regarding BIA schools has usually come from special legal aid groups (Indian and non-Indian) which have generally provided advice and assistance to Indian students who have had difficulties or felt aggrieved. In some instances, rather than developing a good rapport between the Bureau and the outside organizations an antagonistic attitude developed on both sides which impaired rather than helped the Bureau's programs to move expeditiously in the right direction. That position has been softened somewhat and we believe presently there is a healthy climate of cooperation developing since all parties acknowledge that Indian students would be the victims if cooperation among these groups is reduced or lacking altogether.

To compare Bureau and public schools is an extremely difficult task in many respects. This is particularly true when viewing boarding schools where few comparisons can be found outside the Bureau of Indian Affairs. There is small doubt, however, that the public school sector is ahead of the Bureau in the matter of Student Rights and Responsibilities. Codes available from any parts of the country and national education associations, teacher unions, etc., are good sources of information for Bureau school administrators to tap, and some have already done this.

What Remains to be Done:

A. Appoint a special committee of from three-five members, preferably Native Americans to frame national guidelines in Student Rights and Responsibilities. Ideally, committee members should have the following qualifications:

(1) Legal training and experience

(2) Educational Orientation or background

(3) Writing competence or proved authorship

The proposed committee would employ existing guidelines prepared by a host of organizations interested in the welfare of Indian students and in the proper execution of Indian school programs. Their work would be completed on or before September 1.

B. Convene a special conference early in the fall of 1973 following dissemination of the proposed guidelines document to the Area Offices. It would consist of representatives of interested parties: Central Office, Area Offices, administrators, teachers, students, parents, and advisory boards. They would be requested to review, modify and approve a model Bureau Code of Student Rights, Responsibilities, Due Process and Grievance Procedures for the guidance in adopting their own local codes. At this time, the role of the Indian school board with regard not only to the preparation of Student Rights and Responsibilities Codes but also in their implementation should be defined.

C. Following substantial agreement on the proposed model code, steps should be taken to receive official approval from the Interior Department and the guidelines made an official part of the Indian Affairs Manual (IAM).

D. Consider the establishment of a quick response mechanism or "hot line" on Student Rights and Responsibilities problems. This special field unit with legal training would be available to school personnel who want fast telephone or telegraphic answers to problems that need immediate solutions.

APPENDICES

APPENDIX A

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

June 20, 1973

Memorandum

To: Dr. Thomas R. Hopkins
Chief, Division of Evaluation and Program Review

From: Dr. William J. Benham
Acting Director, Office of Indian Education Programs

Subject: Evaluation of Student Rights and Responsibilities Program

Since taking the duties as Acting Director of the Office of Indian Education Programs, it has become apparent that a bureauwide evaluation of the program area Student Rights and Responsibilities is in order. Would you please conduct and complete an evaluation of student rights and responsibilities by August 3, 1973. Decision areas that should be included in the evaluation are as follows:

1. With the advent of the realignment of the Office of Indian Education Programs, what is needed in the form of a Central Office involvement regarding this area of concern? This should be done within the concept that the Central Office will be involved in policy development and guidance with no authority to fund programs of this type from this level.

2. What has been done in the program in the past ten years with special emphasis on the past three years? This should include the involvement of bureau and non-bureau groups that have and have not been funded by the Bureau. The content of their programs, their involvement in Bureau schools and their current status should be included. Copies of program descriptions as well as previous proposals for contracts would be helpful.

3. What is the status of present programs in the Bureau regarding student rights and responsibilities? Field cooperation will be required in order to answer this question.

4. What is being done nationally in schools in general and how does the Bureau's program compare to it?

5. What remains to be done? This question should be developed into options so that it allows considerations of different approaches to decisions to be made in student rights and responsibilities.

6. As soon as possible, please translate this memo into a brief evaluation project description for my review.

As per our conversation, Dr. Henry Rosenbluth will be leader of the evaluation project. I am sending a copy of this memo to Dr. Richard Keating of the Division of School Operations Coordination and to Mr. Robert Hall of the Division of Student Services so that they may cooperate with you in order to complete the assignment.

William J. Benham
Acting Director, Office of Indian
Education Programs

APPENDIX B

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IERC

Memorandum

July 11, 1973

To: Dr. William Benham, Acting Director, Office of Indian Education Programs

Dr. Thomas R. Hopkins, Chief, Division of Evaluation and Program Review

From: Dr. Henry Rosenbluth, Acting Chief, Division of Educational Planning and Development

Subject: Evaluation of Student Rights and Responsibilities Programs

Dr. William Benham in his June 20 memorandum requested an organizational plan for an evaluation of the Bureau's efforts in the matter of student rights and responsibilities.

The following steps have been and are being taken to accomplish the assigned objectives included in the memorandum:

1. Intensive meetings were held at SIPI on June 22 and July 9 with Bureau and non-Bureau staff who have had experience with student rights and responsibilities, and who are also familiar with evaluative procedures. Participants in these meetings were:

John Petersen, Superintendent of SIPI
Kathryn Dumont, Division of Evaluation and Program Review
Charles Blackwell, Assistant Director, American Indian Law Program, UNM
Gene Leitka, Division of Evaluation and Program Review
Four staff members, Institute of American Indian Arts
Barry K. Berkson, Solicitor's Office, Albuquerque
Dick Young, Attorney, Native American Legal Defense and Education Fund
Gerald Wilkinson, Director, National Indian Youth Council

2. A comprehensive review has been made of recent literature regarding all current programs and legal decisions concerning student rights and student responsibilities, due process, and grievance procedures.

3. All Bureau and non-Bureau proposals and guidelines regarding rights and responsibilities prepared for Indian students were examined carefully in terms of their legal ramifications and relevance to secondary and post-secondary programs.

4. In order to get a status report on all Student Rights and Responsibilities programs, a special Report Form and cover letter of explanation were prepared for immediate distribution to the areas. Bothathe letter and Report Form were reviewed with Indian representatives of the NIYC and staff attorney for NALDEF.

5. A meeting has been scheduled in Washington D.C. on July 12 with Ms. Ramona Osborne of the Division of School Operations Coordination concerning her activities in the development of National Guidelines for Student Rights and Responsibilities in Bureau schools.

6. A meeting has been scheduled on July 13 in Washington D.C. with officials of the National Association of Secondary School Principals concerning exemplary public school Student Rights and Responsibilities programs.

7. Following a review of all the data a number of recommendations will be presented concerning the Central Office role in all matters pertaining to Student Rights and Responsibilities.

Summary Statement

Since many organizations have already explored the area of student rights and responsibilities for Indian educational institutions, additional research to establish firm Central Office policies or guidelines appears redundant. I suggest that a committee be appointed by the Director, Office of Indian Education Programs, possibly from the ad hoc group that advised on the evaluation proposal, to collate the existing Student Rights and Responsibilities plans and prepare a final, acceptable document by September 1, 1973

This final product should permit sufficient latitude for local agencies to meet their special needs, as well as provid for a system of monitoring and auditing its operation during the year.

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APPENDIX C

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 2024

IN REPLY REFER TO

Indian Education Programs
Code 500

7/13/78

Memorandum

To: All Area Directors and Director, Southeastern Agencies
Attention: Assistant Area Directors, Education

From: Acting Director, Office of Indian Education Programs

Subject: Report on Student Rights and Responsibilities Programs in All Secondary and Post-secondary Schools

During the past decade the Nation's colleges and secondary schools have faced the issue of student rights and responsibilities in a determined effort to arrive at a proper balance. Numerous codes and guidelines have been developed to provide school administrators with a legal tool for the protection of the individual student as well as the integrity of the institution.

Although the Bureau school system's student body is in some sense unique, the rights and responsibilities issue is as critical here as in the non-Bureau public school programs.

Following the publication of the Commissioner's Interim Procedure in February 1972, the Bureau made a concerted effort to develop a sound policy on handling matters concerning student rights and respnsibilities. Other organizations have also furnished assistance in this effort. The results to date have been encouraging, since a wide array of useful proposals were drawn up. Individual Indian schools have also developed local student rights and responsibilities programs. Despite much positive progress, there is a need for additional evaluation at this time.

The Bureau needs to look closely at what the various schools are doing with regard to student rights and responsibilities, not only to protect the individual pupil but also to maintain the quality of educational programs.

The enclosed Report Form was prepared by Dr. Henry H. Rosenbluth and a team of Bureau and non-Bureau personnel who have been closely involved in the Bureau's student rights and responsibilities effort. (For expediency, the report form questionnaire is being mailed directly to schools). The team acted under my direction as instructed by the June 20 memorandum to Dr. Thomas R. Hopkins, Chief, Division of Evaluation and Program Review.

The Report Form, though only one tool in the evaluative process, is perhaps the most significant one. Each secondary and post-secondary school should be reported individually unless joint programs have been developed in your area. Since we plan to finish our evaluation by August 3, it is essential that completed forms reach Dr. Rosenbluth before July 27.

Direct all information and inquires to:

Dr. Henry H. Rosenbluth
Indian Education Resources Center
Bureau of Indian Affairs
P.O. Box 1788
Albuquerque, New Mexico 87103

Phone: 505-843-3354

Your cooperation is sincerely appreciated.

William J. Benham

Enclosure

APPENDIX D

STUDENT RIGHTS AND RESPONSIBILITIES REPORT FORM

Area Office _____

School _____ Boarding___ Day_____

Name and title of person filling out questionnaire _____

_____ Date:_____

Please answer each question as fully as possible. If more space is needed for a response, attach additional sheet and refer to relevant item by its number. Information supplied here will be kept confidential and only used in a statistical manner.

1. Does your school have a Student Bill of Rights? Yes____ No___

   If yes, who prepared it? _____ Please attach a copy.

   How prepared and formulated? _____

2. Does your school have a grievance procedure permitting parents and students to register complaints? Yes_____ No_____

3. What procedure is employed by your school in handling student rights and responsibilities? _____

4. Does the school have a written guide or handbook that includes information regarding student rights and responsibilities? Yes_____ No___

   If yes, please attach a copy.

5. Are there other ways that a Student Rights and Responsibilities program is communicated to students? Yes _____ No _____
   If yes, please describe them. _____

6. What student organizations on campus have been active in relationship to matters of Student Rights and Responsibilities? _____

7. How many staff members are participating actively in matters of Student Rights and Responsibilities? _____

Describe the nature of their participation: _____

8. Have either the School Board or tribal representatives been involved in the development and/or implementation of the Student Rights and Responsibilities program? Yes_____ No _____
If either yes or no, briefly describe the extent of their involvement:

9. Is there money budgeted or allocated for the Student Rights and Responsibilities program? Yes_____ No _____
Does the problem of money seem to you to be important in this matter? Yes__ No_

10. Is your school applying the Interim Procedure which was released in 1972 by the Commissioner of Indian Affairs? Yes_____ No_____
If yes, describe how: _____

If no, reasons: _____

11. How many students have taken advantage of the Interim Procedure? _____
Other procedures? _____

12. What was the first date the Interim Procedure was used in your school?____ __
The last date? _____

13. How many students have voluntarily withdrawn from school when faced with formal disciplinary action since your Student Rights and Responsibilities program has been operative? _____
How many students have been expelled as a result of the Interim Procedure?_____
How many have been expelled as a result of other procedures? _____

14. Is the school aware of the IAM regulations with regard to student rights and respnsibilities? Yes_____ No_____

Have these been used? Yes_____ No_____ If yes, describe manner in which

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the IAM regulations were used:_____

15. Is there parental involvement in the Student Rights and Responsibilities program? Yes____ No_____
Describe the extent of parental involvement:_____

16. What do you consider the strengths of your Student Rights and Responsibilities program?_____

What are its weaknesses?_____

17. How many formal hearings in 1972-73 were scheduled on your campus specifically related to student rights and responsibilities? _____

18. What help do you need in implementing procedures for Student Rights and Responsibilities programs?_____

19. What has been the role of the Central Office regarding your program in Student Rights and Responsibilities?_____

Has it been adequate? Yes_____ No _____

20. Please add any comments, suggestions, criticisms, or other pertinent material that you wish to contribute to the efforts of the teach charged with developing the Bureau's Student Rights and Responsibilities Program.

A ROSTER OF BUREAU SCHOOLS AND DORMITORIES TO WHICH SRR REPORT FORMS WERE SENT

ABERDEEN AREA

Standing Rock Boarding
Turtle Mountain Day
Lower Brule Day
Pierre Brdg. School
Flandreau Brdg. School
Wahpeton Brdg. School
Cheyenne-Eagle Butte
Ogalala Comm. Brdg.

ALBUQUERQUE AREA

Albuquerque Brdg.
Taos Day School
IAIA

ANADARKO AREA

Chilocco Brdg. School
Fort Sill Brdg
Riverside Brdg
Concho Brdg
Haskell Indian Jr. College

BILLINGS AREA

Busby Boarding School

JUNEAU AREA

Mt. Edgecumbe Brdg.
Kotzebue Day School
Wrangell Institute

SOUTHEAST AGENCIES

Cherokee Secondary
Miccosukee Day School

MUSKOGEE AREA

Sequoyah Brdg. School
Seneca Brdg. School

NAVAJO AREA

Intermountain School
Tuba City Brdg. School
Wingate High Brdg.
Crownpoint Brdg.
Wingate Elementary
Many Farms High Brdg.

PHOENIX AREA

Stewart Boarding
Sherman Indian Boarding

PORTLAND AREA

Chemawa Indian School

A. Model Codes

Committee on Student Rights and Responsibilities. Model Code for Student Rights, Responsibilities, and Conduct. American Bar Association (Law Student Division; 750 North 60th Street): Chicago (Ill. 60637). Single copy $2.00; additional copies each $1.00.

Inequality in Education. Harvard Center for Law and Education: Cambridge. February 1972. v12.

Kobrick, Jeff; Lines, Patricia L. "Model School Disciplinary Code," Inequality in Education. July 1972. v12:p47-49.

Student Codes: A Packet of Selected Codes and Relate Materials. Harvard Center for Law and Education: Cambridge. 276 pp, $4.95.

2. City Codes: Model and Official

Alexandria: "Student Bill of Rights and Responsibilities in the Alexandria High Schools" and "Guidelines for Discipline." Alexandria City Schools (418 South Washington Street): Alexandria (VA 22313).

Dallas: "Guidelines for Control of School Behavior and Student Participation in School Life." Dallas Independent School District (Communications Department; 3700 Ross Avenue): Dallas (Tex. 75204). Phone: 214/824-1620.

Dayton: "Policy Statement on Rights and Responsibilities." Dayton Public Schools. Contact: CASC.

Dayton: "Student Rights Handbook for Dayton, Ohio." Center for the Study of Student Citizenship, Rights, and Responsibilities: Dayton. In cooperation with the National Juvenile Law Center.

Detroit: "Student Rights and Responsibilities." Detroit Public Schools (Office of the Superintendent; 5057 Woodard): Detroit (Mich 48202). 1971. Phone: 313/833-7[illegible].

B. City Codes: Model and Official

Memphis: "Guidelines for Students' Rights and Responsibilities." Board of Education of the Memphis City Schools (Department of Pupil Services; 2597 Avery Avenue): Memphis (Tenn. 38112).

Los Angelas: "Student Rights and Responsibilities: A Handbook for Elementary Schools and Junior and Senior High Schools." Los Angelas City Schools: Los Angelas. 1972. 77 pp, $3.29 from ERIC/CDRS: ED 063 661.

Madison: "Madison High School Student Bill of Rights." Madison Youth Council: Madison. Contact also: ACER/WYDE.

New York City: "Code of Student Rights and Responsibilities." New York City School Board (Office of Education Information Services and Public Relations; 110 Livingston Street): Brooklyn (NY 11201) Phone: 212/596-4160.

New York City: "Student Rights Handbook." New York Civil Liberties Union (84 Fifth Avenue): New York (NY 10010).

Philadelphia: "Bill of Rights and Responsibilities for High School Students." Philadelphia Board of Education (Parkway at 21st Street): Philadelphia (Penn 19103). 21 December 1970.

Portland: "Student Rights and Responsibilities Handbook." Portland Public Schools (631 northeast Clackamas Street): Portland (Ore. 97208).

Prince George's County: "Students' Rights and Responsibilities." Superintendent's Student Advisory Council (Prince George's County Public Schools; PO Drawer 120): Upper Marlboro (MD 20870).

Rochester: "Student Bill of Rights and other related materials." Teen League of Rochester: Rochester.

Topeka: "Policies Pertaining to Students Attending the Topeka Public Schools." Unified School District No. 501 (Office of the Superintendent; 415 west Eighth Street): Topeka (Kansas 66603).

B. City Codes: Model and Official

Tulsa: "Policies on Student Affairs." Independent School District No. 1 (Board of Education): Tulsa (Oklahoma). 22 July 1970.

Wichita: "Student Rights and Responsibilities." Wichita Board of Education (Department of Pupil Welfare and Attendance; 640 north Emporia): Wichita (Kansas 67214). 1972. Phone: 316/268-7861.

Woodbridge: "Woodbridge School District Policy Regarding Student Rights and Responsibilities." Woodbridge School District (307 Laws Street): Bridgeville (Delaware 19933).

C. State Codes: Model and Official

Delaware: Student Rights Code. Delaware State Department of Education: Dover.

Kansas: "Brief Guide to Students' Legal Rights in Secondary Schools of Missouri and Kansas." ACLU of Western Missouri (Room 322; 1016 Baltimore): Kansas City (Missouri 64105).

Massachusetts: "Guidelines for Student Rights and Responsibilities." State Board of Education. Contact: Student Service Center: Boston.

Massachusetts: "Position Statement on Student Rights and Responsibilities." Massachusetts Teachers Association (20 Ashburton Place): Boston (Mass. 02108). Attn: Casey Olds. Phone: 617/227-9600.

Massachusetts: "Student Rights Handbook for Massachusetts." Black Student Union (Bridge Building; 531 Massachusetts Avenue): Boston (Mass 02118)

Massachusetts: Your Rights As A Student. See "General Works."

Missouri: See Kansas above.

New Jersey: "A Guide to Student Rights and Responsibilities in New Jersey." New Jersey Department of Education (225 West State Street): Trenton (NJ 08625). Phone: 609/292-4450.

New Jersey: The New Jersey Student Rights Manual. ACLU of New Jersey (45 Academy Street): Newark (NJ 07102). Phone: 201/642-2084.

New Jersey: "Students Rights Handbook for New Jersey: Where You Are, Where You Are Going." New Jersey Student Union (24 south Warren Street): Trenton (NJ).

New York: Guidelines for Student Rights and Responsibilities. New York State Education Department; Albany. 1972. 52 pp, $3.29 from ERIC/EDRS: ED 065-942.

New York: "Guidelines for Students' Rights and Responsibilities. New Document by the New York State Education Department," Intellect. November 1972. v101:p79-80.

Washington: "The Application of the Bill of Rights to Pupils in the Common Schools of the State of Washington: A Report to theWashington State Legislature by the Subcommittee on Student and Personnel Policies of the Joint Committee on Education." Washington State Legislature: Olympia. 5 November 1970. 23 pp, $3.29 from ERIC/EDRS: ED 056-387.

Washington: "Pupil Conduct, Discipline, and Rights: A report to the Washington State Legislature by the Subcommittee on Student and Personnel Policies of the Joint Committee on Education." Washington State Legislature: Olympia. 32 pp, $3.29 from ERIC/EDRS: ED 056 386.

APPENDIX C
ABERDEEN

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42 United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

FEB 1 1972

Memorandum

To: All Area Directors

From: Commissioner of Indian Affairs

Subject: Interim Procedure for Student Expulsions

Our Office of Education Programs has recently begun a long-range study of Student Rights and Responsibilities. Although at a preliminary stage, the study is revealing the magnitude of our responsibility to students enrolled in Bureau schools. This, together with practices currently used in the discipline of students, gives rise to serious questions which reflect unfavorably upon our educational program.

I am particularly concerned that these practices may seriously infringe upon students' constitutional rights. Specifically, it is my immediate concern that stated and practiced Bureau policy relating to student expulsion, do not adequately protect the rights of students.

Careful adherence to the principles of democracy is nowhere more vital than in our educational program. Recent court decisions confirm and clearly specify that this is a responsibility of educational institutions.

In order to conform with the principle of due process, I am directing that, effective immediately, the following procedure be applied in all student expulsion cases.

I. Within 24 hours of an incident resulting in charges against a student or students, wherein the school administrator believes that the only recourse is to suspend or expel the student or students involved, the school administrator shall:

   A. Provide the student or students with oral and written notification of specific charges against him. The notice shall further inform the student that should he or she so desire, in the interest of fairness, a hearing on said charges will be held within ten (10) days.

In addition, the administrator shall inform the student that an advisory will be made available to assist him (student) in the hearing; he (administrator) will advise students' parents of the charges and hearing, and he (administrator) will arrange for the student to privately discuss the matter with his parents, via telephone, if physically possible.

B. Under separate letter, provide parents with information regarding said charges and any pending hearing.

It shall also be the administrator's responsibility to request that the parents, or their representative, attend the hearing.

C. Provide the Area Director, and Director of Education Programs, Central Office, full details surrounding the incident and resulting charges against the student or students.

Notification to the Area Director and the Director of Education Programs shall be by telephone and memorandum. Copies of notification letters to student and parents shall be attached to memorandum.

II. The Area Director shall proceed immediately to:

A. Arrange a reasonable time, date, and site for a hearing of said charges before an impartial and qualified hearing panel.

B. Obtain advisor for student or students.

C. Appoint a five-member hearing panel, to be composed of representation from at least five of the following organizations: Advisory School Boards, Tribal Councils, Area Education Office, Central Education Office, student body, school staff, local tribal organizations, local social service and counselling agencies, and local law enforcement officials.

Each member shall have one vote, excepting the chairman. Chairman shall vote only in the event of a tie.

D. Inform the school administrator and the Director of Education Programs by telephone and memorandum of:

1. The time, place, and site for hearing.

2. Names of advisor for student and the hearing panel.

E. Conduct hearing and provide to the panel any instructions required for hearing.

F. The hearing panel shall, upon completion of hearing, enter into a final decision based upon evidence presented.

G. The hearing panel shall prepare and submit a detailed report of the hearing to the Area Director and Director of Education Programs.

H. Within fifteen (15) days after hearing the student or his parents may appeal the decision of the hearing panel in writing to the Commissioner of Indian Affairs. The Commissioner shall then arrange for a review of the action and may reverse or confirm the action. The Commissioner shall render his decision within fifteen (15) days of the receipt of the appeal.

III. When in the opinion of the Superintendent that the retention of a student on campus or in the school will endanger the health and/or safety of other students:

A. He may immediately expel the offending student.

B. When a student is to be immediately expelled under these emergency circumstances, the Superintendent must clear the expulsion with an emergency expulsion committee consisting of the head of the academic department, the head of guidance, and himself.

C. When a student is expelled in this manner, he or she and his parents will be afforded an opportunity for a hearing within fifteen (15) days of the expulsion in accordance with hearing procedures established in Section II above.

It is my intent that this be an interim procedure, pending the development of comprehensive guidelines for handling all disciplinary actions.

I shall expect professional discretion of the highest quality in the application of this procedure. Further, I am depending on all education personnel to protect against the use of fear, coercion, or any other psychological or physical intimidation which might force a student to leave school or engage in asocial behavior which could result in expulsion.

James R Bruce

Commissioner

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

Memorandum

To: All Area Directors
Superintendents: Cherokee, Choctaw, Seminole Agencies
Director, IAIA

From: Secretary of the Interior

Subject: Student Rights and Responsibilities

Each school administered by the Bureau of Indian Affairs shall formulate, with the assistance of students, faculty, staff, school boards, administrators or other interested parties, its own rules and regulations for the maintenance of order. The promulgation of those codes and the extent of the above group's participation shall be left to the direction of the school's administrator. Every school has the inherent authority to maintain order and to discipline its students. Some of the limitations on that authority are:

> Schools which enforce disciplinary measures must have formulated written rules establishing standards of conduct. Such rules shall prescribe standards appropriate for the maintenance of moral and academic standards, and provide for the maintenance of order and discipline. The rules and regulations must be disseminaced to those to whom they are to apply and must be uniformly applied. They may not be applied in an arbitrary or capricious manner.

SECTION I

Expulsions:

Each school's code shall contain certain provisions for the protection of students' rights of procedural due process in every instance of disciplinary action which may lead to expulsion from the school. The following requirements of procedural due process shall be included.

(a) NOTICE OF CHARGES. Each student shall be provided with notice of the charge or charges which have been preferred against him. It shall be required that:

(1) Such student be notified in writing of such charge or charges within 72 hours of the occurrence of the last incident upon which the charge or charges are based.

(2) Copies of the charges and all information furnished to such student shall also be furnished to the parents of students who have not attained legal age. Parents of students who have attained legal age may be notified at the discretion of the school superintendent.

(3) The charges shall be in detail with sufficient specificity, setting out each breach of the rules including dates and places, as will afford the student an opportunity to prepare an adequate defense.

(4) The administrator will obtain written statements from witnesses upon which the charges are based. The witness statements shall set out with reasonable particularity the information known to the persons making them so that the element of surprise is minimized at the hearing.

(5) The administrator shall make available in his office, before the hearing, the signed statements of all persons on whose information are based the charge against the student. These statements may be examined by the student, his parents or representatives. If the school administrator later receives any further information that will be employed at the hearing, he must notify the student and make copies available before the hearing at the earliest possible time.

(b) RIGHT TO FAIR AND IMPARTIAL HEARING. Each such student shall be afforded the right to a fair and impartial hearing. In that connection it shall be required in each instance that:

(1) The administrator of the school shall convene a hearing panel, composed of five impartial members who shall hear the charges, receive the evidence for and against the accused student, and recommend a verdict as to whether or not the student should be expelled. The administrator shall appoint a chairman who will have responsibility for choosing the date, time and place for the hearing. Panel members may be drawn from school board members, students, parents, staff and other interested parties. (If the

student does not desire a hearing and so indicates in writing no panel need be convened). The administrator or his representative shall present the school's case against the student to the panel.

(2) A hearing before the hearing panel shall be held within 10 days of the date that written notice of the charges is served upon the accused student. Postponement of the hearing may be granted for a reasonable time when requested by the accused student because of insufficient time to prepare a defense.

(3) Whenever an accused student fails to appear at a scheduled hearing and it is apparent that the student does not desire to present a defense, the panel shall proceed with the hearing and shall hear the evidence presented against such student in the same manner as if the student were present.

(4) A verdict shall be rendered upon a majority vote of the members of the hearing panel.

(5) The hearing panel may impose such restrictions upon the number of spectators and participants in attendance at the hearing as may be reasonably necessary to insure an orderly hearing.

(c) RIGHT TO COUNSEL. Each student shall be afforded the right to counsel at all stages of the expulsion proceedings. In that connection it shall be required that:

(1) The administrator of the school shall, at the same time that the hearing panel is designated, appoint a member of the school faculty or staff to serve as the accused student's advisor for the purpose of assisting in the preparation and presentation of the accused student's defense of the charges. Such advisor shall promptly inform the accused student of his right to legal counsel, at his own expense, or his right to select an advisor of his own choice.

(2) If the accused student desires representation by counsel other than, or in addition to, that which has been appointed to advise him, the administrative head of the school shall assist such student to the fullest extent possible in obtaining such counsel short of the obligation of public funds for such purpose.

(3) The accused student may not be denied the right to counsel. But if he so elects, such student shall have the right to appear without counsel and to present his own defense.

(d) RIGHT TO PRESENT EVIDENCE AND TO CROSS-EXAMINE WITNESSES Each student shall be afforded the opportunity to present witnesses and evidence in his behalf and to cross-examine witnesses against him. In that connection it shall be required that:

(1) The administrator of the school shall insure that witnesses for the accused student are made available for attendance at the hearing.

(2) No restrictions shall be placed upon the accused student's right to cross-examine witnesses that are presented against such student.

(3) The accused student shall be afforded the right to examine all documents entered in evidence against such student.

(e) RIGHT TO RECORD OF HEARING. Each student shall be furnished with a copy of the record of the hearing. In that connection it shall be required that:

(1) An accurate resume of the proceedings, to include the testimony of witnesses and the documentary evidence presented to the hearing panel, shall be promptly made, which shall constitute the hearing record.

(2) A copy of such hearing record shall be furnished to the accused student within sufficient time to permit a timely appeal under the provisions of 25 CFR, Part 2.

(3) A copy of the hearing record shall be maintained in the files of the school for at least one year.

(f) RESPONSIBILITY OF SCHOOL ADMINISTRATORS. A decision of a hearing panel is advisory only. Only the administrator of a school may expel a student, and that authority may not be delegated to a hearing panel. Accordingly, the administrator of a school may exercise his discretion in expelling a student against whom an adverse decision has been reached by a hearing panel. An administrator of a school may not, however, expel any student for whom an adverse decision has not been reached by a hearing panel.

(8) RIGHT OF APPEAL. Each student shall be afforded rights of appeal as follows:

(1) The student shall have the right to file an objection with the administrator from a panel's adverse decision. Such an appeal must be filed within 3 days of the date of the panel's decision and the administrator shall take no action on a panel's adverse decision until that 3 day period has expired.

(2) Upon adverse action by the administrator, the student shall be advised in writing of the appeal provisions of 25 CFR, Part 2, and of his right to avail himself of the appeal procedures set out therein.

(3) Upon the filing of an appeal, the student may request that the expulsion action be suspended until the disposition of the appeal pursuant to 25 CFR, Section 2.10 (b).

SECTION II

Suspensions - - -

The administrator may suspend a student for up to three school days for alleged infractions of school rules and regulations under his own authority if after investigating the offense he concludes an infraction has occurred. If a student is given a short-term suspension the administrator shall:

(1) Notify the student's parents or legal guardian of the action and the reasons for such action.

(2) Notify appropriate guidance and dormitory personnel in order that they may assume responsibility for the student.

(3) Release the student to the custody of the parents for the suspension period if the parents so request.

When in the opinion of the administrator the retention of a student, who has allegedly committed a serious breach of school rules, will endanger the health and/or safety of other students or staff, he may suspend for up to five days if after an investigation, he concludes that such an infraction has occurred. In such case the administrator shall:

(1) Notify the student's parents or legal guardian of the suspension and the reasons for the action.

(2) Release the student to the custody of the parents if so requested.

If the administrator, during the five day suspension period, concludes that expulsion is warranted he must follow the procedures outlined in Section one for expulsion of students. The school must notify the student within the five day period of its intent to expel him.

The provisions outlined in this memorandum are effective as of the above date.

It is necessary that the codes be reviewed and approved by the Area Offices as soon as possible. This is especially true for the off-reservation boarding schools. I am requesting that the off-reservation boarding schools submit their proposed school codes by October 15, 1973 and all other schools their codes by January 7, 1974.

I firmly believe that the formulation of student rights and responsibilities codes is of the utmost importance and I wish to lend my support to this effort. Through the team approach outlined in this memorandum we should achieve a quality product of which we can all be proud.

IN REPLY REFER TO:

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

Area Education

Navajo Area Office
Window Rock, Navajo Nation (Arizona) 86515

AUG 1 1973

Memorandum

To: Dr. Henry H. Rosenbluth, Indian Education Resources Center

From: Area Director

Subject: Report on Student Rights and Responsibilities

Enclosed is the completed questionaire on Student Rights and Responsibilities. More specific information will come to you from the individual schools which received the report form.

The Navajo Area has been actively involved in the area of Student Rights and Responsibilities since January 19, 1972, when the first meeting was called to determine what kinds of problems students were having and what could be done about them. It became apparent that one approach to meeting the needs of students with problems would be to establish a Behavior Resource Committee to marshal all of the available resources in and near the Reservation to help students who have problems of any kind. This was done, and a Resource Register is available at each school. The Register also contains resources available for school activities where no problems are indicated.

The students involved in the meetings, that were held concerning problems that they have, expressed a desire to have meetings among the students to give them a chance to deal with these problems themselves. A program of Student Seminars was implemented this past year with excellent participation and success. The students proved themselves fully competent to recognize their problems and to discuss them in constructive ways. The students made recommendations to the administration, school staff members, and to their fellow students in terms of what they can do to better meet the needs of students who have problems.

The need for a uniform Code of Conduct was readily apparent. A committee to develop a Student Code was created on May 22, 1972. This committee did much research and involved students and adults with various views and convictions. The committee has worked closely with the Office of the Field Solicitor in Albuquerque. A Navajo Area High Schools Constitution has been developed and approved at the Area and Departmental levels. A copy is enclosed. This Constitution forms the basis for the student governments and the general way that students are to be treated. It is now the

responsibility of each local school to develop more specific Codes of Conduct (Rights and Responsibilities) in relation to and conformance with the approved Constitution.

This is a brief summary of the work done in the field of Student Rights and Responsibilities by the Navajo Area. It is hoped that this information will prove helpful to you.

Area Director

Enclosures

IN REPLY REFER TO:

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Area Education

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

Navajo Area Office
Window Rock, Navajo Nation (Arizona) 86515

Memorandum

JUN 29 1973

To: Assistant Area Director (Education)

From: Area Director

Subject: Constitution for Bureau of Indian Affairs High Schools in Navajo Area

The Navajo Area High Schools Constitution and recommendation of the Field Solicitor have been received and reviewed. This office concurrs with the Field Solicitor and approves the document as being sound and recommends its use in Navajo Area schools where high school students are enrolled.

Area Director

Enclosure

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United States Department of the Interior
OFFICE OF THE SOLICITOR
ALBUQUERQUE FIELD OFFICE
ROOM 7102 FEDERAL BLDG. AND U.S. COURTHOUSE
P.O. BOX 1096
ALBUQUERQUE, NEW MEXICO 87103

IN REPLY
REFER TO:

May 24, 1973

Mr. Lowell W. Findley
Office of Education
Navajo Area Office
Window Rock, Arizona 86515

Re: Constitution for BIA High Schools in Navajo Area

Dear Mr. Findley:

In accordance with your request of May 18, 1973, we have reviewed the final draft of the proposed constitution for Bureau high schools in the Navajo area. As you know, we have reviewed preliminary drafts of the same basic document on several occasions over the past few weeks, and attended a meeting on this subject with representatives of your office on April 12, 1973.

We find the final draft as submitted with your memorandum to be legally sound, and in conformity with basic guidelines as previously recommended by your Central Office.

Accordingly, it is our opinion that the subject document is now in proper form for approval by the Area Director.

Sincerely yours,

Lotario D. Ortega
Field Solicitor

CONSTITUTION FOR BUREAU OF INDIAN AFFAIRS HIGH SCHOOLS OPERATED WITHIN THE NAVAJO AREA

April 26, 1973

INTRODUCTION

Section 1. This document is the Constitution for Bureau of Indian Affairs High Schools (grades 9 - 12) operated within the Navajo Area. It shall also be known by its short title, the Navajo Area High Schools Constitution. It shall apply to all high schools in the Navajo Area. It shall also apply to any ninth grade included within a junior high school unit within the Navajo Area.

Section 2. This Constitution is intended to assist in the development within the student bodies of a sense of responsibility and a sense of pride in their schools by involving the students meaningfully in the establishment and administration of school policy and discipline. It is also intended to secure to the students those rights to which they are entitled.

ARTICLE I

Section 1. Every Indian person has the right to a high school education.

Section 2. The education provided Indian students shall be of a high quality, and shall be respectful of, and relevant to, their culture, language, and traditions.

ARTICLE II

Section 1. Students have the right to participate menaingfully in the establishment and administration of the educational and social policies of their schools and in the making of any decision which directly affects their daily lives. At a minimum students shall participate in determining curriculum, determining and evaluating educational methods and techniques, evaluating teachers and other personnel, allocating the student activity fund, establishing the social program for the school, and establishing rules concerning student activities and dormitory life.

Section 2. In each school there shall be established an elective and representative Student Council which shall be chaired by a President. All students shall be allowed to vote and hold office. No non-student shall be allowed to participate in the elective process or affairs of the Student Council, with the exception of legitimate interests of school staff personnel. The Student Council shall be elected on the basis of a Plan of Operation for Student Government adopted in each school, provided that elections for each office shall be held at least once a school year, that each student shall be equally represented on the Council, and that the President shall be selected in an election in which every student is entitled to vote.

Section 3. The Student Council shall meet at regular intervals as provided in the Plan of Operation for Student Government. It shall adopt its own rules of procedure. Any student may attend the meetings although participation by non-members of the Council may be limited by the rules of the Council. No non-student shall attend these meetings except when invited

by the President acting with the approval of a majority of the Council. The Council, at a minimum, shall have control over the appropriation of the student activity fund, the establishment of the social program for the school, and to recommend to the Principal rules concerning student activities and dormitory life. Final approval and adoption of such rules is the responsibility of the Principal. The Council shall also appoint persons to meet regularly with the faculty, administration, and guidance department to effect the policy of Section 1 of this Article.

Section 4. A student Review Panel shall be established to hear all cases involving alleged violations of the Code of Conduct, adopted pursuant to Section 5 of this Article. The Panel shall consist of five members; three of which shall be students who shall be elected by the student body from a panel of eight students (two from each class) which shall be selected by the Student Council. Two panel members shall be members of the faculty, administration, or guidance department of the school. The non-student members shall be appointed by the principal. The Student Council shall appoint students who shall serve as prosecutors in cases before the Panel. The Panel shall adopt its rules of procedure. In all cases, decisions resulting in student discipline shall be made by the school principal, after reviewing the recommendations of the Panel. In no case shall a student be expelled from school without being afforded due process of law, including the right of appeal.

Section 5. A Commission shall be established in each school to recommend to the principal a Code of Student Rights and Responsibilities. The

Commission shall consist of five students selected by a panel made up of two students appointed by each dormitory council, a member of the faculty appointed by the faculty, a member of the administration appointed by the administration, and a member of the guidance department appointed by the guidance department. In addition there shall be a three member Advisory Board whose members may attend meetings of the Commission and state their views but may not vote. The Advisory Board shall consist of one person from the Department of Education of the Navajo Tribe, a member of the School Board, and a member of the Parent Advisory Council. The Code must be approved by a majority of the Commission, two-thirds of the students voting in a referendum on the proposed Code in which all the students may vote, and by the School Board. The Code is subject to final approval by the Principal.

ARTICLE III

Section 1. Every student enjoys those rights secured to him or her by the Constitution and laws of the United States.

Section 2. It shall be understood:

A. That a student is entitled to a safe and secure atmosphere in which to follow his or her educational pursuits, and that each student accordingly must obey the rules of the school community in order to protect this right for others.

B. That the term "religion" may have a different meaning for Indians than it does for other Americans.

C. That there shall be no restriction on the manner in which a student dresses, wears his or her hair, or otherwise presents him or herself,

unless there exists, as a direct and proximate result of the student's dress, hair style, or other form of self-presentation, a danger to the health, safety, and well-being of a student or an unreasonable disruption or interference with the orderly administration of the school.

D. That a student shall not be punished for, nor prevented from, expressing his personal beliefs in a way which does not disrupt or interfere with the orderly administration of the school.

E. No personal mail of any student shall be opened by any person other than the student without proper legal authority.

F. That students may assemble and form organizations for the pursuit of lawful ends, subject only to reasonable regulations as to time, place, and manner imposed by the Student Council or school administration.

G. No student shall be subjected to corporal, or otherwise excessive, punishment.

H. No student shall be seriously punished, including suspended or expelled, without due process of law. At a minimum, a student who may be seriously punished is entitled to written notice of the charge against him, to a hearing before an impartial arbiter, to representation by an advisor of his choice or a lawyer at his own expense, to confront the witnesses against him or her at the hearing, to have an opportunity to present his or her case at the hearing, and to a written statement of the grounds for the final decision. In the event that the Principal determines that a student must be removed from the school immediately in order to protect the well-being of other students, the student may be removed, however, the Principal must give the reasons for the removal to the student.

ARTICLE IV

Section 1. An amendment to this Constitution must be approved by a two-thirds vote of the Student Councils in a majority of the schools to which this Constitution applies. It must then be approved by two-thirds of the students voting in a referendum on the proposed amendment in which all the students to whom this Constitution applies may vote. The amendment is then subject to approval by the proper authorities within the Bureau of Indian Affairs and the Department of the Interior.

BIBLIOGRAPHY OF REPORTS RELATED TO INDIAN STUDENT RIGHTS PREPARED WITHIN THE PAST THREE YEARS

1. American Indian Civil Rights Handbook, United States Commission on Civil Rights, Clearinghouse Publication No. 33, March 1972, Rev. Theodore M. Hesbrough, CSC Chairman.
2. American Indian Law Student Associations Education Project, Submitted by Abby Abinanti, President, American Indian Law Students Association, 1971-72.
3. Indian Student Bill of Rights and Code of Conduct for BIA Secondary-Level Schools, April 1972 (unpublished document).
4. Indian Student Bill of Rights, Office of Youth Programs and Development, Bureau of Indian Affairs, June 1972, William Pensoneau (Preliminary Draft).
5. A Study of Indian Students' Rights and the Principles of Educational Programs, Organization and Administration. Oklahoma Indian Rights Association, Norman Oklahoma, June 1972 (unpublished document).

APPENDIX K, L, M

Information relative to the Phoenix Meeting January 31 and February 1, 1973, on Student Rights and Responsibilities.

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

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JAN 16 1973

Mr. Raymond F. Sanford
Regional Solicitor
P.O. Box 3156
Tulsa, Oklahoma 74101

Dear Mr. Sanford:

The Bureau of Indian Affairs is sponsoring a conference on studen rights and responsibilities in Phoenix, Arizona on January 31, and February 1, 1973. We have invited our off-reservation boarding school superintendent and area office representatives to attend. We propose to develop at that time a core of due process procedures that would be a part of each school's student rights code.

A member of my staff Mr. James E. Freelon, has been in contact with Mr. Barry Berkson of your Albuquerque office concerning the conference. With your approval we would like very much to have Mr. Berkson and Mr. Lyle R. Griffis participate in the conference. Mr. Griffis' experience in the Chilocco case will be invaluable and we would like to have him share his opinions with our staff.

We will meet at the Los Olivos Hotel, 202 E. Mc Dowell in Phoenix at 9:00 AM on January 31. The hotel gives a special rate of $10.55 to government employees upon request.

We sincerely hope that Messrs. Berkson and Griffis will be able to attend.

Sincerely,

James E. Hawkins
Director of Education Programs

APPROVED JAN 22 1973
Raymond F. Sanford
Regional Solicitor

February 6, 1973

Memorandum

To: Field Solicitor, Albuquerque

From: Attorney-Advisor, Albuquerque

Subject: Phoenix Conference on Student Rights - January 30 to February 1, 1973

I am submitting herewith a travel voucher covering my recent trip to Phoenix, Arizona to attend the Student Rights Conference during the period January 30, 1973 to February 1, 1973. The voucher also covers a short trip I made to Santo Domingo Pueblo on January 17, 1973 to attend a meeting of the Pueblo Council at the request of the Bureau of Indian Affairs and the Pueblo.

The Student Rights Conference was held at the Los Olivos Hotel and was attended by officials from all of the Off-Reservation boarding schools currently being operated by the Bureau of Indian Affairs (except Alaska). The purpose of the meeting was twofold; (1) to acquaint the Solicitor's Office with some of the more complex problems being experienced by the various boarding schools in the area of student rights; and (2) to provide legal guidance to the school officials in solving some of the more urgent problems. Particular emphasis was placed upon the real meaning of due process, as applied to hearing proceedings for students who could be suspended or expelled. Discussed at length was the directive dated February 1, 1972 of the Commissioner of Indian Affairs on the subject of "Interim Procedure For Student Expulsion." The intent and implementation of said directive has apparently been the source of much confusion to the various school officials concerned.

My primary role at the conference was to explain those elements of due process that must be guaranteed to any student being expelled from school. In this connection, the following elements were discussed:

(1) Adequate written notice to the student of the charges filed against him. (This includes an adequate period of time for preparing his defense).

(2) Right to a fair and impartial hearing. (Many ways to accomplish this were discussed, and it was noted that the decision should be based upon the matters brought to light at the hearing).

(3) Right to counsel. (This includes an attorney at law if the student wishes and can afford one. It was noted that the school officials could assist the student in securing free legal services if available in the area. As a minimum, the school should provide an adult adviser to the student).

(4) Right to be confronted with the witnesses against him and to cross-examine.

(5) Right to a record of the proceedings (court reporter and verbatim transcripts not required, tape recorder adequate).

(6) Right to an administrative appeal.

Each one of the foregoing elements of due process were discussed in detail and many questions were answered on this subject.

As a result of the conference, the officials from the Bureau's Washington Office (Jim Freelon and John Jolly) stated that within a period of ten (10) days from their return to Washington, D.C., another directive would be issued to revise the Interim Procedure of February 1, 1972 so as to allow each school to develop its own code of hearing procedure for cases involving serious suspensions and expulsions, provided that each code insure that the above six (6) elements of due process be guaranteed to every student involved. The officials also

expected that each school would submit their respective codes, as developed, to the Central Office Branch of Education for review.

I thought the conference was very successful, and that it promoted a closer working relationship between BIA educators and the Solicitor's Office. I would like to add that Mr. Lyle Griffiths, Field Solicitor, Anadarko, did a very excellent job with respect to his participation at the conference. Other attorneys from the Solicitor's Office in attendance included Sam Taylor of Tulsa, Oklahoma, and Dale Itschner from Phoenix, Arizona.

BARRY K. BERKSON
Attorney-Advisor

cc: R/Sol., Tulsa
A/Sol., Ind. Affs., Washington
F/Sol., Aberdeen

BKBerkson:sr

United States Department of the Interior

OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

RECEIVED
APR 11 1973
Department of the Interior
REGIONAL SOLICITOR
Tulsa, Oklahoma

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IN REPLY REFER TO:

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APR 9 1973

Mr. Floyd L. France
Chief, General Litigation Section
Land and Natural Resources Division
Department of Justice
Washington, D. C. 20530

Dear Mr. France:

This is to advise you that the Bureau of Indian Affairs currently has under consideration a proposal to rescind the Interim Procedures for Student Expulsions, issued February 1, 1972, as a result of the lawsuit entitled National Indian Youth Council, et al. v. Morton, et al., Civil No. 71-805, U.S.D.C., Oklahoma (your reference 90-2-4-213), and to promulgate more specific procedures.

A conference on student rights was held in Phoenix, Arizona, on January 31 and February 1, 1973, by the Bureau in which agreement was reached that due process procedures for handling disciplinary matters in Bureau schools would be developed that would be uniform and made mandatory for each school while student rights would be established by each school independently. To date, the proposed procedures have been circulated for comment to all schools and are being reviewed in the Bureau's Washington office. When issued copies will be furnished to you and Assistant United States Attorney Jerry Cord Wilson as soon thereafter as possible so that settlement of the suit might be reached. It might be added that the Washington office of the Bureau of Indian Affairs does have a copy of due process procedures suggested by plaintiffs' counsel and will use them as an aid in developing the new procedures.

Sincerely yours,

(Sgd.) Duard R. Barnes

Duard R. Barnes
Assistant Solicitor
Division of Indian Affairs

Copy to: BIA (2) Attention: School Operations Chief
Office of Education Programs
Regional Solicitor, Tulsa
Field Solicitor, Anadarko

APPENDIX N

Indian Affairs Manual (IAM) References

The following Chapters have been included which contain references to school management policies and disciplinary procedures in BIA schools.

CHAPTER 1

70

ADMINISTRATIVE ORGANIZATION

Section 101. General Information Relative to Program.

.01 Objectives. The basic educational objective of the Bureau of Indi Affairs is to assure adequate educational opportunities for all Indian children of one-fourth or more degree of Indian blood within the continental United States and Alaska. This basic objective includes the following:

A. To obtain school facilities for eligible Indian children not now in school.

(1) To increase enrollment of children in available public and Federal schools.

(2) To secure construction of needed school plants through applicable laws and appropriations. For example, Public Law 815, 81st, Cong. (64 Stat. 967) as amended August 8, 1953 (67 Stat. 522), and Navajo-Hopi Rehabilitation Act, 81st Cong. (64 Stat. 44).

(3) To provide temporary facilities to meet emergency situatio

(4) To initiate other less traditional arrangements for providing educational oportunities for children in isolated family units.

B. To carry out an effective program for children in Federal schools designed to prepare Indians for successful living.

(1) To develop in children basic academic skills.

(2) To give children an understanding of the social and economic world and to help them secure improved standards of living.

(3) To develop understandings and practices which will assure optimum health.

(4) To provide vocational training which will qualify youth for gainful employment.

(5) To provide adequate training for students desiring to enter special schools and institutions of higher learning.

(6) To make available financial aid and other assistance to qualified students seeking advanced training.

(7) To provide guides for planning and conducting local school programs based on the needs of children.

(8) To develop materials and teaching aids.

(9) To provide opportunities for professional growth of employees through in-service training, conferences, seminars, workshops, meetings, advanced courses.

(10) To provide for research and surveys.

(11) To provide technical consultation in guidance, health education, home living, and other fields.

C. To secure for all Indian children the educational opportunities provided for other citizens through our system of public education.

(1) To transfer the operation of Federal schools and school plants to public school districts through orderly procedure.

(a) To secure the active participation of local Indians, employees, and public school officials and patrons in all phases of the transfer.

(b) To propose transfers to local school districts title to school lands and property.

(2) To assure adequate educational programs in public schools enrolling Indian children.

(3) To provide financial aid to qualifying public schools.

D. To develop on the part of Indian groups, State and local school officials recognition and acceptance of their full responsibilities for the education of Indians.

(1) To furnish adequate information concerning responsibilities and pertinent facts needed for determining decisions.

(2) To cooperate with other groups in formulating principles underlying responsibilities.

E. To retain the valuable elements of Indian life and to strengthen the pride of Indian groups and the recognition by non-Indians as to the contribution of the Indian heritage to the national life.

(1) To include information regarding the various Indian cultures in the school curriculum.

(2) To interpret Indian cultural values to non-Indian groups.

F. To secure regular school attendance of all Indian children until they graduate.

(1) To cooperate with parent-teacher associations and local organizations in securing acceptance by Indians of responsibility for regular attendance.

(2) To cooperate with officials in securing enforcement of applicable attendance laws when other means fail.

G. To appraise periodically the need for boarding schools.

(1) To accept applicants for boarding schools on the basis of established criteria and admit only those for whom adequate provision cannot otherwise be made.

(2) To close boarding schools which established criteria indicate are no longer needed.

.02 Authority. Administration of the Indian School Service is vested in the Commissioner of Indian Affairs, subject to the direction of the Secretary of the Interior. (Act 35 Stat. 72; 25 U.S.C. 295)

.03 Policy. It shall be the policy of the Bureau of Indian Affairs to accomplish these objectives either directly or by arrangements with States, public or mission schools. Wherever adequate school facilities are available, Indian children shall be enrolled in the local public schools. Where such facilities are not available, Indian children may be enrolled in Federal Indian schools.

CHAPTER 4

73

FEDERAL SCHOOL PROGRAM

Section 401. General Information Relative to School Program. The Federal Government has obligated itself repeatedly in its treaties with Indian tribes to provide for the education of Indians so as to aid them in an adjustment to the dominant white culture and to conserve the desirable values of their own culture.

.01 Objectives. To accomplish this, the primary objectives of Indian schools are:

A. To teach students through their own participation in school activities, democratic government and community association, to become constructive citizens of their communities, the State and the Nation.

B. To aid students in analyzing the economic resources of their community and in planning more effective ways of utilizing these resources for the improvement of standards of living.

C. To develop better health habits, improved sanitation, and higher standards of diet with a view to prevention of trachoma, tuberculosis, infant and other diseases.

D. To give students an understanding of the social and economic world at large as related to their present and future environments to the end that they may more successfully achieve mastery over the conditions under which they may live either on or off reservations.

E. To afford high school students preparing for off-reservation employment the choice of suitable vocations, the development of qualitative and quantitative skills and the acquisition of such related knowledge as may be needed to earn a livelihood under competitive conditions.

F. To offer qualified students college preparatory training meeting standards required for college entrance.

G. To give students opportunity for physical, mental and moral growth through activities involving the commingling of racial groups to the end that they may be enabled more successfully to meet competition in the world about them.

H. To serve as a community center in meeting the social and economic needs of the community.

I. To give students firsthand experience in livestock management, in the use of native materials for housing and clothing, in subsistence gardening, cooperative marketing, farm mechanics, to the end that skills necessary to successful rural living may be acquired.

J. To teach, through actual demonstration, intelligent conservation of natural resources.

K. To give students an understanding and appreciation of the cultural contribution their own tribal arts have made to the literature, art, music and folklore of the Nation.

Details of the philosophy underlying the stated objectives of Indian education are to be found in many of the publications of the Education Branch of the Bureau of Indian Affairs.

JUL 13 1951

CHAPTER 7

ATTENDANCE AND RELATED INFORMATION

Section 701. Compulsory School Attendance.

.01 Objective. All healthy Indian children between the ages of six and 18 should be enrolled in school, either Federal, public, mission or private. With authority from the Central Office, nursery schools for children between the ages of three and six may be operated. This will serve to speed up the acquisition of spoken English and a more rapid acculturation of children coming from Indian families. Students more than 18 years of age may be retained or enrolled in Indian vocational schools where such action will contribute to their more effective preparation for job employment after the completion of their courses.

.02 Authority. Compulsory school attendance of Indian children is provided by law, as follows:

"Hereafter the Secretary of the Interior is authorized to make and enforce such rules and regulations as may be necessary to secure the enrollment of and regular attendance of eligible Indian children who are wards of the Government in schools maintained for their benefit by the United States or in public schools." Act of February 14, 1920 (41 Stat. 410, 25 U.S.C., sec. 282).

It will be noted that the above law applies to Indian children "who are wards of the Government". The relationship of guardian and ward does not exist between the United States and the Indians although there are important similarities and suggestive parallels between the two relationships.

.03 Enforcement. As experience has shown that generally throughout the country, the most effective enforcement of compulsory education is that which is secured by local authority, it shall be the duty of the Reservation Superintendent and his School Administrator to endeavor to secure the passage of effective ordinances by the local tribal council calling for compulsory attendance, and providing appropriate penalties against parents, guardians, or pupils for violation of these ordinances.

A. Violations. It is understood, of course, that violations of ordinances or regulations cannot be punished unless the persons accused of such violations have been found guilty by a proper tribunal. If, therefore, a tribe has no Indian or tribal court, it is believed that the governing body should

consent to the application of the State compulsory school attendance laws, as set out in Section 701.04 of this Chpater. If the Tribe has no duly constituted governing body, the school laws mentioned in Section 701.04 of this Chapter will apply to the members of such tribe.

.04 Application of State School Laws. The Act of February 15, 1929 (45 Stat. 1185) was amended August 9, 1946 (60 Stat. 962, 25 U.S.C., Sec. 231) as follows:

"The Secretary of the Interior, under such rules and regulations as he may prescribe, shall permit the agents and employees of any state to enter upon Indian tribal lands, reservations, or allotments therein (1) for the purpose of making inspection of health and educational conditions and enforcing sanitation and quarantine regulations or (2) to enforce the penalties of state compulsory school attendance laws against Indian children, and parents, or other persons in loco parentis except that this subparagraph (2) shall not apply to Indians of any tribe in which a duly constituted governing body exists until such body has adopted a resolution consenting to such application."

A. Consent of Tribal Groups. This law explicitly permits the enforcement of penalties of State compulsory attendance laws against Indian parents of any tribe not having a duly constituted governing body whose children are attending either Federal or State schools. Where a constituted governing body exists, it must consent to the application of State laws to the members of the tribe residing on the reservation.

(1) Form of Tribal Resolution. Superintendents are directed to call to the attention of all tribal governing bodies the text of this legislation, and urge that the council either adopt an ordinance providing for the enforcement of compulsory school attendance by authorized tribal officials, or adopt the following resolution, vesting that authority in the authorized state officials:

"Whereas the Secretary of the Interior is authorized by the Act of February 15, 1929 (45 Stat. 1185) as amended by the Act of August 9, 1946 (60 Stat. 962) to permit the agents and employees of any state to enter upon Indian tribal lands, reservations, or allotments therein, to enforce the penalties of state compulsory school attendance laws against Indian children and parents or other persons taking care of them, and

WHEREAS this provision is inapplicable to Indians of any tribe in which a duly constituted governing body exists until such a body has adopted a resolution consenting to such application, and

WHEREAS, having duly considered this statute, we, the members of the Tribal Council of _____ Reservation, have decided that it is for the benefit of the children of the Indians of this Tribe that such compulsory state school attendance laws be made applicable to Indians of this Tribe and enforced on Indian lands of the _____ Reservation,

NOW THEREFORE, be it resolved that the Tribal Council hereby consents to the application of these state laws and regulations to the Indians of this reservation."

.05 Duties of Superintendents Regarding Compulsory School Attendance. It shall be the duty of the Superintendent of the reservation to inform public school officials and the Attorney General of the State within which the reservation is located of the action taken by the tribal council.

A. Where the Council Has Agreed to Vest This Authority in State Officials. It shall be the duty of the Superintendent to confer with such officials, so as to facilitate in every way such actions as may be necessary to secure cooperation of Indian parents in the attendance of their children in public schools.

B. Where The Tribe Shall Have Elected to Enforce Compulsory School Attendance Through its Own Officials. It shall be the duty of the Superintendent to arrange for close cooperation between public school authorities and tribal officers, so as to secure sincere enforcement of the compulsory school attendance statutes.

C. Officers of States Entering Reservations. Where it shall be necessary for officers of the State to enter on an Indian reservation to take into custody the person of any Indian parent or guardian charged with violation of State compulsory school attendance statutes, the Reservation Superintendent shall see to it that these officers suffer no interference in the execution of their duty.

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Section 702. General Information Relating to Enrollment and Attendance.

.01 Legal Limitation. Education of Indians at Government expense is limited to children of at least one-fourth Indian blood where adequate public school facilities are not provided. The Act of August 9, 1937 (50 Stat. 563) eliminated the exception of the application of the Act of May 25, 1918, to pupils of the Five Civilized Tribes and Quapaw jurisdictions.

.02 Admission. See Section 205 of Chapter 2, Types of Schools, of this Part.

A. Credentials of Pupils. Each child who is eligible for enrollment shall be presented with credentials executed by the enrolling officer of the reservation where he resides, and must present these credentials before enrollment in any off-reservation school. The credentials shall state the school or schools for which the child is eligible. When children are transferred from one public school to another, the state procedure for such transfer must be observed.

(1) Determination of Age. When birth certificates are not available to determine the age of children applying for enrollment in the elementary grades, seemingly immature or physically underdeveloped children should not be accepted until examined by a medical officer and certified by him as being capable of carrying on the activities of a 6-year old child.

B. Payment of Tuition. Payment of tuition for admission to government schools shall be required of applicants whose parents have ample financial resources. Pupils selected for boarding schools shall be required to pay their transportation expenses if they have sufficient funds to do so without exhausting small personal credit balances.

C. Use of Personal Funds. When personal or family means permit, pupils enrolled in government boarding schools shall be required to meet school expenses to the extent warranted by the financial status of the child or his family. This conserves appropriated funds for those children for whom educational facilities must be provided by the Federal government. Children having only small balances of personal funds should not be required to exhaust or deplete these balances for educational purposes. Such balances should be conserved to assist them in becoming self-supporting when they leave school.

D. Non-Indian Pupils in Federal Schools Except Children of Federal Employees.

(1) In Day Schools:

Non-Indian Pupils in Day Schools. Non-Indian pupils may be admitted to Indian day schools in areas where there are no other adequate free school facilities available. Tuition fees may be charged for such enrollment at the discretion of the superintendent or other officer in charge:

> "...provided such fees shall not exceed the tuition fees allowed or charged by the State or county in which such school is located for the children admitted in the public schools of such State or county." (34 Stat. 1018; 40 Stat. 564; 25 U.S.C. 288,297) (See also Act of March 1, 1907)

In accordance with the foregoing, non-Indian children, children of employees not excluded in 62 IAM 7.2.2E(2), or Indian children who are not legally entitled under existing regulations to free enrollment in government Indian day schools may be enrolled in any Indian day school in areas where there are no other adequate free school facilities available. Tuition fees may be charged at the discretion of the superintendent or other officer in charge, provided that such fees shall in no case exceed the tuition fees allowed or charged by the State or county in which such school is situated for the children admitted in the common schools of such State or county.

(2) In Boarding Schools.

Non-Indian Pupils in Boarding Schools. Non-Indian pupils may be admitted to Indian boarding schools:

> "...upon payment of tuition fees, which shall not exceed the per capita cost of maintenance in the

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school attended, when their presence will not exclude eligible Indian pupils." (25 CFR, Ch. 1, Part 31, sec. 31.3; See also Act of March 3, 1909 (35 Stat. 783; 25 U.S.C.289)

In accordance with the foregoing, non-Indian children, children of employees, or Indian children who are not legally entitled under existing regulations to free enrollment in Bureau boarding schools may, upon payment of a tuition fee equal to the per capita cost of maintenance in a given school, be enrolled in an Indian boarding school when this is considered advisable, with approval of the Area Office. Enrollment of children of Federal employees shall be on a day basis only.

Receipts from this source, when deposited, are available upon authorization in the usual form for expenditure for support of the school. (Comp. Gen, Dec. of April 16, 1914)

E. Children of Federal Employees. Children of Federal employees may be excepted from the provisions of Subsection D of this Section where local conditions justify enrollment as indicated below:

(1) Of Indian Blood. Children of Federal employees of Indian blood who maintain their tribal relations may be admitted to Bureau boarding schools without payment of tuition or expenses of subsistence, upon approval by the Area Office, subject to the same admission requirements as Indian children entitled to free education, provided that:

(a) The chief wage earner of the family does not occupy a key civil service position at an Indian agency, school, Area Office, or in other Federal employment.

(b) The income of the family from outside sources is insufficient, in the judgment of the Reservation Superintendent, to pay for the tuition and the expenses of subsistence of the children of the family required to attend school.

(2) Not of Indian Blood to be Enrolled on Day Basis. Children of Federal employees not of Indian blood may be enrolled in government day schools or a reservation boarding school on a day basis when this is considered advisable. Tuition shall be charged on the basis of the amount the employees would be taxed locally if subject to taxation.

F. Aid to Pupils Attending Public School. Aid may be furnished children up to 21 years of age attending local schools, in cases of real necessity and where not otherwise provided for the purchase of textbooks, school lunches, and transportation. Textbooks so purchased should remain the property of the Government, and a definite procedure should be established for the return of books after use and their re-issue to other students. The Superintendent's requests for funds for this purpose should in general be based upon facts ascertained by the education field worker. Such special assistance should not be confused with family relief, need for which should be referred to the social worker.

.03 Transfer. Once enrolled in a boarding school, it is desirable to avoid changing schools during a single school year. Children frequently find it difficult to adjust to new personalities; and where school curricula vary even slightly, the child is often penalized by being demoted when mid-term transfers occur. Therefore, when the eligibility of a child for boarding school enrollment has changed, the effect of the transfer upon the child's school and home adjustment should have full consideration before any transfer is authorized. This applies to both admission to and removal from Indian Service boarding schools. In general, children who have been properly admitted to Indian Bureau boarding schools during the year should remain until the completion of the second semester in June.

.04 Absence Without Permission. When a pupil leaves a boarding school without permission, every effort should be exerted within the immediate vicinity to locate the pupil. The officer in charge of the school shall determine the extent to which efforts are to be made to locate and return such pupil and the determination to be

be made shall be governed by the factors involved, consideration being given both to the interests and welfare of the pupil and the school. If such pupil cannot be located within the immediate vicinity the officer in charge of the school shall notify the Superintendent of the home reservation of the pupil, and the parents. He shall also refer the case to his area welfare worker for handling and payment of expenses involved through such channels and agencies as may be available. When such pupils are located in distant cities the school shall not bear the expense of the return of the student. Such pupils if not returned within 30 days shall be dropped from the rolls of the school.

.05 Dismissals. Pupils may not be dismissed from school for any cause, nor refused readmission to Federal schools without a statement of intention being furnished the Reservation Superintendent from whose jurisdiction they come, the parents of the children, and the home Area Office, together with a request from home Area Office that other arrangements be made to insure institutional facilities to such students. It shall then be the duty of the Area Educationist to make satisfactory arrangements for the child.

.06 In Case of Accident, Illness, or Death. In case of accident, illness, or death of pupils, the officer in charge must notify parents, guardian or nearest friend at once, using telegraph if necessary. If in a non-reservation school, the Reservation Superintendent must also be notified. In case of accident or death, a detailed statement must be made to the Area Office, together with copies of the above notices. In cases of serious illness, accident or death, the officer in charge should at once make adequate expression of sympathy to the family in a manner which will be acceptable and comforting to the family and friends. In case of death of students, government funds are available only for such burial as is customary in that locality. Burials shall be arranged in accordance with the wishes of the family and dignified standards existing in the locality.

Section 703. Clothing, Eyeglasses, Artificial Limbs, and Other Special Needs of School Children.

.01 Policy. Indian families should assume responsibility for providing clothing, medical care, and for other needs of its members. If the family receives public assistance, clothing and incidental expenditure items should be included in the family's monthly public assistance payment. It is the policy of the Bureau to

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provide funds for the needs of school children as outlined in Sections 703.02, 703.03 and 703.04 of this Chapter, if the parents, individuals, guardian, a welfare agency, a service club, or other outside source, cannot provide for them.

.02 Clothing and Incidental Needs. Education funds may be used to provide clothing and incidental needs for boarding pupils in boarding schools when Bureau funds are determined to be the only source.

.03 Eyeglasses, Artificial Limbs, Artificial Eyes, Hearing Aids, Dentures. Education funds may be used to provide eyeglasses, artificial limbs, artificial eyes, hearing aids, and dentures, for indigent boarding pupils in those reservation Federal boarding schools which maintain hospital or infirmary facilities through use of Education funds.

.04 Dental Care and Special Medical Care. Education funds may be used to provide dental and special medical care for indigent boarding pupils in those nonreservation Federal boarding schools maintaining hospital or infirmary facilities through use of Education funds. This care may be provided in the school hospitals or in any outside hospital.

The needs of all other pupils for artificial appliances and medical and dental care shall be met from Health funds as specified in Part III of this Volume. The needs of day pupils in boarding schools and pupils in Federal day and public schools for clothing and incidental expenses shall be met from Welfare funds, in accordance with Part VI of this Volume.

CHAPTER 9
COUNSELLING, CONTROL, GUIDANCE & ADJUSTMENT OF PUPILS

Section 901. Democratic Planning. An atmosphere of friendly confidence and self-reliant activity should characterize the relations between the children and personnel of all Indian Service schools.

.01 Friendly Atmosphere. Many opportunities will present themselves in the course of the ordinary school day to build and maintain such an atmosphere. Wherever possible, students should share in setting up the programs of work, play and study, understanding the reasons and goals and evaluating the results. When the necessary and essential activity is not such that a child will easily recognize its worth or the need for it, then great care should be taken to enlist the child's enthusiasm and cooperation to get the job done. It is hoped that the child's acceptance of responsibility will be based on the highest possible motive and appeal made to a basic rather than a personal loyalty. Penalties, compulsions and demerits should find no place in the control of behavior. Parental cooperation shall be a very important goal to seek in control of children at school.

.02 Faculty and Students to Cooperate. Since no single program can hope to satisfy the needs and interests of every child it will be necessary for all persons working with the child to study each individual and seek to help him find satisfaction and success. This is not to be interpreted as an invitation to license or laxity. It does not assume that the responsibility for the planning and direction of the school can be evaded by the faculty and transferred to the students, but it does mean that wholesome, democratic planning between faculty and students should result in the acceptance of good order and wholesome behavior as a matter of course.

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Section 902. Need of Confidence and Affection. All children in school, especially the younger ones, must be given a real feeling of warmth, confidence and affection if they are to grow mentally, spiritually and socially. To this end real relationships must be set up to remove fear and insecurity and to alleviate the inevitable loneliness of separation from those at home whom the child loves and upon whom he depends. Speedy and happy adjustment to school can only grow out of mutual love and confidence. All the child's behavior must be studied and considered in the light of his real needs. He will adjust happily and quickly if he finds security and affection at school.

Section 903. Corporal or Degrading Punishments Prohibited. The principal or teacher who can anticipate pupil reactions and forestall difficulties is in a far stronger position than the one who attempts to punish delinquency after it has occurred. This emphasis upon constructive discipline is made because corporal punishment of all kinds, and solitary confinement, or anything which smacks of imprisonment or punishment calculated to bring shame and humiliation upon pupils, is prohibited and may be made the basis for charges with a view to possible dismissal.

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Section 904. Social Controls. It is becoming generally recognized that the school is an agent of society for the development of desirable social attitudes. This demands that the school program be operated with a clear recognition of realities. No longer can it be assumed that dismissal terminates responsibility for youngsters who prove annoying, difficult to direct or control, or who appear to be exerting a demoralizing influence on other students. To send such apparently recalcitrant or incorrigible youngsters out into society assumes that an unsupervised, unregulated environment is better capable of directing their activities or protecting their associates from contaminating influence than is a school in which there is close supervision of group and individual activities. If the destructive influence of an incorrigible youngster upon his associates is stronger than the constructive influence which his associates can exert upon him, it is evident that standards of social behavior within the school are imposed by the faculty without general acceptance by the students rather than being representative of a community sentiment. Reformation or regeneration of potentially wayward children may be more rapidly and successfully effected in a desirable social environment than in one made up solely of maladjusted children. If right action is accepted as a desirable objective by the students as a whole, it inevitably appeals as desirable to all but the most abnormal members of the group. Efforts should be made to transfer such abnormal students to suitable institutions which can exercise continuing supervision over their actions, rather than to turn them loose on society.

Section 905. Home Letters. Every effort should be made to maintain a close relationship between the children in the boarding schools and their homes. Every encouragement should be given the student on his own initiative to write regular letters to his home including intimate personal messages, and such correspondence should be accorded the courtesy of privacy which is the right of every individual. Pupils' letters may be sent with the periodic reports to the parents in an official penalty envelope, but may be sent in franked envelopes only when they are enclosed with official correspondence.

Section 906. Entertainment and Social Life. Provision shall be made for reasonable entertainment and recreation of pupils and opportunities given for social intercourse under proper supervision. These should include moving pictures, social dances, parties and indoor games as may be appropriate, encouraging the perpetuation of many traditional Indian games and activities if it is desirable or recommended by the Indians, and introducing such games of non-Indian persons as may not be in conflict with native customs or controls. The school program should be arranged so as to provide for attendance at tribal fiestas or tribal gatherings in which the children may have a part. It should be remembered that many children will return to rural life, and the recreation encouraged in school should be such as can be profitably continued after leaving school.

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Section 907. Home Life in Dormitories. So far as present structures will permit, dormitories of the Indian Service shall be made attractive and home-like. They shall be kept clean and freshly painted (in accordance with color schemes recommended by the Central Office) and shall be equipped with comfortable furniture and rugs, pictures, and other suitable furnishings. Opportunity should be given within the dormitories for students to relax and live an individual life. Individual lockers or other facilities should be provided so that each child may have a place of his own in which to keep his personal belongings. Students should be given every opportunity to cooperate in the planning of their dormitory life and recreational activities.

Cottage Dormitories. The desirable elements of a family group should be stimulated as far as possible. In these cottage dormitories boys and girls should therefore both be housed in the same building unless tribal custom forbids the association of adolescents of the opposite sex. Meals should be prepared in the home kitchen and served in the home dining room. Boys and girls should both share in planning, preparing and serving meals and in the cleaning up afterward. The care of the rooms, making of beds, cleaning and personal laundry should be shared by the children as part of home management and not as detail chores. Home recreational experiences, reading and group discussions should be encouraged in order to provide a wholesome and home-like situation for the children.

Section 908. Recreational Activities Within the Dormitories. The development of wholesome indoor recreation in the dormitories in addition to outdoor play and athletics shall be the responsibility of the advisory staff. Necessary arrangements may be made with the school library so that books and magazines may be available in the dormitory living rooms. Provisions shall be made for group games and activities which will furnish opportunities for students to exercise leadership and learn followership.

Section 909. Student Associations. Literary, musical and other clubs or associations are to be encouraged. In the more advanced schools they may be placed under the direction of the older pupils, but the school staff should give necessary oversight. It is undesirable to have too many different organizations. Membership should be open to all students old enough to profit thereby, but no pupil should belong to more than two or three organizations and these should not consume time needed for other activities. Extra-curricular activities should not become of such importance that they are frequently permitted to take time needed for regular school activities. This statement should not be interpreted as disapproving activities integrated with the curriculum which involve field trips, out-of-classroom projects and similar enrichments.